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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,077	09/09/2003	Edwin Arturo Heredia	MS1-1354US	1406
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PENG, FRED H				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/658,077

Applicant(s)

HEREDIA, EDWIN ARTURO

Examiner

FRED PENG

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) See Continuation Sheet is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1,2,5-8,10,12,13,15,16,18,19,21-27,30-32,35-38,40,42,45,46,48,49 and 51-59 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-848)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Continuation of Disposition of Claims: Claims pending in the application are 1,2,5-8,10,12,13,15,16,18,19,21-27,30-32,35-38,40,42,45,46,48,49 and 51-59.

Election/Restrictions

1. This application contains claims directed to the following patentably distinct species.

Claims 1-2, 5-8, 10 and 31-32, 35-38, 40 are directed to a method of identifying at least a first portion of files in an application as belonging to at least one cluster, wherein the application is a supplemental television content application comprising files carrying code and associated objects; wherein the cluster is a grouping of files; determining a cluster signature for each cluster; developing an expression that includes the location of the cluster signature, and storing the expression in a start file, wherein the start file carries application run parameters and references an application boot file to start execution of the application; wherein a second portion of the files comprises a web page and determining a signature for each web page by determining at least one of: developing a link to the signature and storing the link in the web page, or storing the signature in the web page.

Claims 12-13, 15, 42, 45, 56, 58 are directed to a method of identifying a first portion of files that together compose a dynamic web page, wherein the dynamic web page is a supplemental television content delivered through an interconnecting channel separate from a channel used to deliver broadcast media and a content of the dynamic web page changes during a time interval;

determining a signature for the dynamic web page;

storing one of a link to the signature in the dynamic web page, or the signature in the dynamic web page; and

developing an expression that includes signature information, and storing the expression in the dynamic web page as extensible markup language (XML) metadata,

wherein the expression comprises at least one of security policy information data or delegate data,

wherein the security policy information data comprises at least one of specifying a location of a permission request file that indicates allowed and disallowed operations for the application and defining a location of a privacy statement,

wherein the delegate data includes identities and constraints of a delegate, and

wherein a delegate is an entity that is authorized to sign portions of the application in addition to a main signer.

Claims 16, 18-19, 21-22 and 46, 48-49, 51-52 are directed to a method of determining if the files are arranged in a cluster, wherein a cluster is a subset of the files grouped through logical organization, and determining if any of the files are arranged in clusters comprises referencing a security information resource file contained within a start file, wherein the security information resource file comprises a cluster information metadata expression indicating the files that compose the cluster, wherein a signature location metadata expression indicating a location of a signature for the cluster; determining if the application start file has a record that includes one of a reference to an expression having a location of the signature, and the expression, wherein the start file carries application run parameters and references an application boot file to start execution of the supplemental television content;

reading from the expression the location of a file having a signature of a cluster for each cluster, wherein the reading operation further comprises reading whether there are any delegates for any of the clusters, and determining if a signature is valid based on the delegates wherein a delegate is an entity that is authorized to sign portions of the application in addition to a main signer; determining if the signatures can be verified; determining the identify of all clusters that comprise the application; determining a delegate name and constraints imposed on the authority of the delegate, wherein the constraints comprise time boundaries; and

verifying the integrity of the files in the cluster by operations including verifying the signature.

Claims 23-24 and 53-54 are directed to a method of determining if the files compose web pages; and if the files compose web pages, then for each of the web pages, decoding the web page to determine if the web page has extensible markup language (XML) metadata comprising <AppSecurityInfo> element indicating one of a link to a digital signature and a digital signature, reading the signature, and verifying the signature,

if any of the web pages lack the link to a digital signature, lack the digital signature, or the signatures is not verified then warn a user that a file has not been signed, warn the user that the signature is not valid, reject the file, or restrict access by the web page to system resources.

Claims 25-27, 30 and 57 are directed to an architecture of an application comprising a collection of files, wherein the application is a supplemental television application delivered through an interconnecting channel separate from a channel used to deliver broadcast media:

a cluster of the files, wherein the cluster is a subset of the files grouped through a logical organization, the files comprising:

a signature file comprising a cluster signature, a reference to the files in the cluster, and a time version information;

a security information resource file comprising a cluster information metadata, a signature location metadata, and a delegate metadata; and

a start file including a link to the security information resource file or the security information file, wherein the start file carries application run parameters and references an application boot file to start execution of the application,

wherein the signature location metadata describes a location of the signature file by a link,

wherein the cluster signature includes a hash code of each of the files comprising the cluster and a digital signature for signing the hash code of each of the files,

wherein the time version information describes the version of the signature file as a function of the files in the cluster, and

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wherein the delegate metadata comprises identity and constraints of a delegate.

Claims 55 and 59 are directed to an architecture of an application comprising a collection of files;

the files comprising:

a supplemental television content delivered through an interconnecting channel separate from a channel used to deliver broadcast media;

at least one of a dynamic web page coded with a signature as extensible markup language (XML) metadata or including a reverse linkage between an XML document and

a signature file coded with the signature by using a link rev= tag; and

a dynamic web page coded with a security information resource file comprising a signature location metadata, and a delegate metadata,

wherein a content of the dynamic web page changes during a time interval;

wherein the signature is calculated from a hash code of the webpage each time the web page changes,

wherein the delegate metadata comprises an identity and constraints of a delegate.

2. The species are independent or distinct because claims to the different species recite the mutually exclusive characteristics of such species. In addition, these species are not obvious variants of each other based on the current record.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.

There is an examination and search burden for these patentably distinct species due to their mutually exclusive characteristics. The species require a different field of search (e.g., searching different classes/subclasses or electronic resources, or employing different search queries); and/or the prior art applicable to one species would not likely be applicable to another species; and/or the species are likely to raise different non-prior art issues under 35 U.S.C. 101 and/or 35 U.S.C. 112, first paragraph.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species to be examined even though the requirement may be traversed (37 CFR 1.143) **and (ii) identification of the claims encompassing the elected species**, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

The election of the species may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the election of species requirement, the election shall be treated as an election without traverse. Traversal must be presented at the time of election in order to be considered timely. Failure to timely traverse the requirement will result in the loss of right to petition under 37 CFR 1.144. If claims are added after the election, applicant must indicate which of these claims are readable on the elected species.

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the species unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other species.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141.

Correspondence Information

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRED PENG whose telephone number is (571)270-1147. The examiner can normally be reached on Monday-Friday 09:30-19:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hirl can be reached on (571) 272-3685. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Fhp

/Joseph P. Hirl/
Supervisory Patent Examiner, Art Unit 2426
June 18, 2009